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TTY USERS CALL VIA MD RELAY

November 14, 2011

Phoebe Haddon
Dean and Professor of Law
University of Maryland School of Law
500 W. Baltimore Street Suite 260
Baltimore, MD 21201-1786

Dear Dean Haddon:

I am writing to express my concerns about the ongoing injustice being perpetrated by the University of Maryland Environmental Law Clinic's continued pursuit of costly litigation of questionable merit against Alan and Kristen Hudson and their family-owned farm.

The Hudson Farm has been in the family for four generations and for over 100 years. In 2010, environmental groups—presumably well intended—persuaded the University Clinic to file suit against the Hudson and Perdue Farms, alleging that they were polluting the Pocomoke River.

Since that time, the Maryland Department of the Environment completed a full investigation into these accusations. Although MDE fined the farm \$4,000 for placing fertilizer composed of treated human waste too close to a drainage ditch, it concluded that there was no “strong evidence conclusively linking bacterial pollution” in the local waterways to the farm. Given MDE's conclusions, there are significant questions as to whether the environmental group's claims can be substantiated. Nevertheless, the environmental groups and the Clinic continue to pursue the suit.

Corporations can defend themselves against such questionable suits even from deep-pocketed litigants. But the Hudsons must retain their own representation and, due to extensive legal fees, they now face possible bankruptcy and loss of their land. They face this possibility even if, as is quite possible, they are ultimately exonerated from the environmental wrongdoing alleged by this suit—a suit that persists notwithstanding the facts found by the Maryland Department of the Environment.

As a University of Maryland law student, I worked in the Clinic. I represented battered women and other persons who could not afford to pay for an attorney. I believe that law school clinics provide an important educational experience for students and also a critical public service by representing those who lack access to quality legal representation. I also believe that law schools

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must retain the academic freedom to operate their clinics in the manner they think will best achieve these goals.

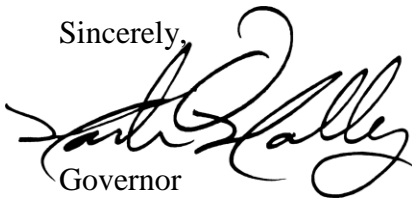
I am not advocating that the government should dictate the clients clinics may represent or the cases they should undertake. But it is my strong belief that this case, at this juncture, is a misuse of state resources. This case, at this juncture, perpetrates an injustice. This case, given the facts now discovered, uses the economic weapon of unlimited litigation resources—namely, taxpayer supported State resources—to potentially bankrupt and destroy a family farming operation which has no recourse to similarly unlimited litigation assets.

This is not what we were taught about the high calling of justice when I was a student at the Law Clinic.

Our clinics should help level the too often unequal playing field of court-administered justice. With vigor and determination our clinics should represent those who cannot afford representation. And in this case, it seems that this purpose would have been better served by the Clinic representing the Hudsons.

This is a matter of fundamental fairness and the ongoing and significant injustice and economic harm being done to a decent, hard-working Maryland family by the continued pursuit of this very questionable suit. I strongly and respectfully urge you to review this matter and, in doing so, to consider my view that continued participation by the Clinic in this suit is a state-sponsored injustice and a misuse of taxpayer resources.

Sincerely,



Governor